

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PASQUALE A. LA PIETRA, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

RREEF AMERICA, L.L.C., DEUTSCHE
INVESTMENT MANAGEMENT AMERICAS,
INC., MICHAEL G. CLARK and PAUL H.
SCHUBERT,

Defendants.

No. 09-cv-07439 (JGK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying declaration of Andrew W.

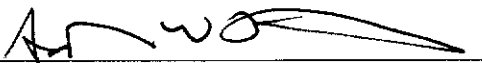
Stern, dated February 8, 2010, and the exhibits attached thereto, the accompanying memorandum of law in support of this motion, and any other submissions that shall be made in support of this motion, the undersigned counsel, on behalf of Defendants RREEF America, L.L.C., Deutsche Investment Management Americas, Inc., Michael G. Clark and Paul H. Schubert, will move this Court, before the Honorable John G. Koeltl, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, to dismiss the Amended Complaint, in its entirety and with prejudice, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Scheduling Order, which was executed by the parties on December 7, 2009 and so ordered by the Court on December 8, 2009, Lead Plaintiffs shall either (a) file a Second Amended Complaint on March 1, 2010; or (b) file their opposition to this motion on March 10, 2010. In the event that Lead Plaintiffs file an opposition to this motion, Defendants' reply brief in further support of the motion shall be filed on or before March 25, 2010.

Dated: New York, New York
February 8, 2010

Respectfully submitted,

SIDLEY AUSTIN LLP

By: 

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